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8 UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 JOEL BENOLIEL, GREGG R. DAUGHERTY,  
BRUCE E. HOSFORD, and DONALD S.  
13 JEFFERSON,

14 Plaintiffs/Petitioners,

15 v.

16 BLACKHAWK PARENT LLC, a Delaware limited  
liability company, and EOP OPERATING  
17 LIMITED PARTNERSHIP, a Delaware limited  
partnership,

18 Defendants/Respondents.  
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Case No. C 07-03001-RMW

**JOINT STIPULATION AND  
ORDER  
CONTINUING THE HEARING  
ON THE FIRST AMENDED  
PETITION TO COMPEL  
ARBITRATION AND THE CASE  
MANAGEMENT CONFERENCE**

**Prior Hearing Date:** March 14,  
2008

**New Hearing Date:** May 16, 2008

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District  
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,  
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their  
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning  
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")  
6 scheduled to be heard January 11, 2008 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in  
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on  
11 August 17, 2007;

12 WHEREAS, a hearing on the Amended Petition was originally scheduled for  
13 August 31, 2007 at 9:00 a.m.;

14 WHEREAS, on August 27, 2007, the parties submitted a joint stipulation and  
15 proposed order, continuing the August 31, 2007 hearing to September 28, 2007;

16 WHEREAS, on August 28, 2007, the Court entered the proposed order continuing  
17 the August 31, 2007 hearing to September 28, 2007;

18 WHEREAS, a Case Management Conference was also scheduled to occur on  
19 September 28, 2007;

20 WHEREAS, on September 18, 2007, the Court *sua sponte* ordered that the hearing  
21 on the Amended Petition and the Case Management Conference be continued to October 19, 2007;

22 WHEREAS, upon a joint stipulation submitted by the parties, on October 11, 2007,  
23 the Court ordered that the hearing on the Amended Petition and the Case Management Conference  
24 be continued to November 9, 2007;

25 WHEREAS, upon a joint stipulation submitted by the parties, on October 31, 2007,  
26 the Court ordered that the hearing on the Amended Petition and the Case Management Conference  
27 be continued to December 7, 2007;

1 WHEREAS, upon a joint stipulation submitted by the parties, on November 30,  
2 2007, the Court ordered that the hearing on the Amended Petition and the Case Management  
3 Conference be continued to January 11, 2008;

4 WHEREAS, on December 19, 2007 the parties held their joint ADR Phone  
5 Conference with G. Daniel Bowling, ADR Program Staff Attorney for the Northern District of  
6 California, to discuss their continued progress towards a negotiated resolution of the issues raised  
7 by the Amended Petition;

8 WHEREAS, upon a joint stipulation submitted by the parties, on January 9, 2008,  
9 the Court ordered that the hearing on the Amended Petition and the Case Management Conference  
10 be continued to March 14, 2008;

11 WHEREAS, on February 19 the parties held a further ADR Phone Conference with  
12 G. Daniel Bowling, ADR Program Staff Attorney for the Northern District of California, and  
13 reported substantial continued progress towards a negotiated resolution of the issues raised by the  
14 Amended Petition;

15 WHEREAS, the parties have nearly concluded discussions directed toward  
16 reaching a negotiated resolution of the issues raised by the Amended Petition;

17 WHEREAS, the parties agree to continue the Hearing and the Case Management  
18 Conference until May 23, 2008; and

19 WHEREAS, the parties agree that this Stipulation does not waive any of the rights  
20 or defenses available to either party, and that each party reserves its rights to assert any and all  
21 rights and defenses in the future and to provide further papers updating the Court and providing  
22 any further developments;

23 WHEREAS, the parties submit that the extension will not affect the ultimate  
24 schedule of the case;

1 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

2 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and  
3 7-12 of the Federal District Court for the Northern District of California, that the Hearing and the  
4 Case Management Conference be continued to Friday, May 23, 2008 at 9:00 a.m. & 10:30 a.m.

5 Dated: March 11, 2008

SULLIVAN & CROMWELL LLP

6  
7 /s/

8 Michael H. Steinberg  
9 Attorneys for Plaintiffs/Petitioners  
JOEL BENOLIEL, et al.

10 Dated: March 11, 2008

SIMPSON THACHER & BARTLETT LLP

11  
12 /s/ (with express permission)

13 Harrison J. Frahn  
14 Attorneys for Defendants/Respondents  
BLACKHAWK PARENT LLC and EOP  
OPERATING LIMITED PARTNERSHIP

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16  
17 Dated: 3/13, 2008

By

*Ronald M. Whyte*

18 The Honorable Ronald M. Whyte  
19 United States District Judge  
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